

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

J. ARMANDO MIRANDA,

Plaintiff,

V.

**WELLS FARGO BANK, N.A.,
SUCESSOR BY MERGER TO WELLS
FARGO BANK SOUTHWEST, N.A., fka,
WACHOVIA MORTGAGE, FSB, fka
WORLD SAVINGS BANK, FSB; AND
BARRETT, DAFFIN, FRAPPIER,
TURNER & ENGEL, LLP,**

Defendants.

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Civil Action No. **3:13-CV-2217-L**

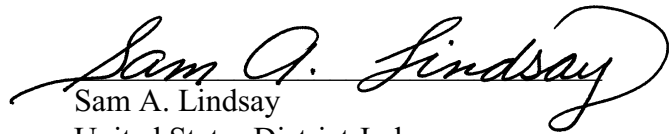
ORDER

Before the court is Defendant's Motion to Dismiss Plaintiff's Amended Complaint (Doc. 11), filed July 15, 2013, filed by Defendant Wells Fargo Bank, N.A., Successor by Merger to Wells Fargo Bank Southwest, N.A., fka, Wachovia Mortgage, FSB, fka World Savings Bank, FSB. Also before the court is Defendant Barrett Daffin Frappier Turner & Engel, LLP's Motion to Dismiss (Doc. 16), filed September 12, 2013.

This mortgage foreclosure case was originally filed by Plaintiff J. Armando Miranda (“Plaintiff”) on May 30, 2013. Other factual and procedural information regarding this case is set forth in the court’s memorandum opinion and order, dated June 27, 2013, in which the court denied Plaintiff’s Verified Request for Temporary Restraining Order and Preliminary Injunction and Request for Hearing. The case was referred to Magistrate Judge Renee Harris Toliver, who entered Findings, Conclusions and Recommendation of the United States Magistrate Judge (“Report”) on

November 13, 2013, recommending that it be dismissed without prejudice, pursuant to Federal Rule of Civil Procedure 41(b), for failure to prosecute. No objections to the Report were filed. Having reviewed the pleadings, file, and record in this case, and the findings and conclusions of the magistrate judge, the court determines that the findings and conclusions of the magistrate judge are correct, **accepts** them as those of the court, and **dismisses** this action **without prejudice** pursuant to Federal Rule of Civil Procedure 41(b). The court **denies as moot** Defendant's Motion to Dismiss Plaintiff's Amended Complaint (Doc. 11) and Defendant Barrett Daffin Frappier Turner & Engel, LLP's Motion to Dismiss (Doc. 16).

It is so ordered this 29th day of November, 2013.


Sam A. Lindsay
United States District Judge